

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

P.M. BEVERLY

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Law Office of Woodrow Epperson, Woodrow Epperson,
10565 Katy Fwy., Suite 250, Houston, TX 77024; (713) 973-6303

DEFENDANTS

WALGREENS, INC.

County of Residence of First Listed Defendant Lake County, IL
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

FordHarrison LLP, Fred Gaona III
1601 Elm Street, Suite 4450, Dallas, TX 75201; (214) 256-4700

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | |
|---|--|--|---|---|--|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education | PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | |

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. Section 2000(e) and 42 U.S.C. Section 1981

Brief description of cause:

Title VII violation, race discrimination and retaliatory discharge

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

10/17/2013

SIGNATURE OF ATTORNEY OF RECORD

Fred Gaona III

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

P.M. BEVERLY,

Plaintiff

vs.

WALGREENS, INC.,

Defendant.

§
§
§
§
§
§
§

Civil Action No. 4:13-cv-3063

**DEFENDANT WALGREENS, INC.'S
NOTICE OF REMOVAL TO U.S. DISTRICT COURT**

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF TEXAS, HOUSTON DIVISION

Chris Daniel, Harris County District Clerk
Civil Courthouse
201 Caroline
Houston, Texas 77002

Woodrow Epperson
Law Office of Woodrow Epperson
10565 Katy Freeway, Suite 250
Houston, Texas 77024
ATTORNEYS FOR PLAINTIFF

PLEASE TAKE NOTICE that Walgreen Co. (incorrectly named herein as Walgreens, Inc.) (“Walgreens” or “Defendant”), defendant in the above styled and numbered cause, has removed this civil action entitled “*P.M. Beverly v. Walgreens, Inc.*” (bearing Cause No. 2013-5152 on the docket of the District Court of Harris County, Texas, 133rd Judicial District), from the District Court of Harris County, Texas, 133rd Judicial District, to the United States District Court for the Southern District of Texas, Houston Division, by filing this Notice of Removal.

Pursuant to said removal, the 133rd Judicial District Court of Harris County, Texas should proceed no further with this matter pursuant to Section 1441 *et seq.*, Title 28, United States Code, as amended.

Walgreens, Inc., appearing specially and for the sole and only purpose of effecting removal to this Court, state the following as grounds for removal:

1. This “Notice of Removal” has been filed within the time period prescribed in 28 U.S.C. § 1446(b). Venue is proper in the Houston Division pursuant to 28 U.S.C. §§ 1441(a) and 1446(a).

2. Walgreens is the defendant in the previously identified civil action now pending in the 133rd Judicial District Court of Harris County, Texas. Said suit is an action by the plaintiff to recover certain sums of money from Defendant. Plaintiff alleges discrimination in violation of Title VII of the CIVIL RIGHTS ACT OF 1964, 42 U.S.C. § 2000(e) *et seq.*, as amended, and retaliatory discharge pursuant to 42 U.S.C. § 1981, all as set forth in the Plaintiff’s Original Petition (the “Petition”).

3. Said suit was instituted on September 3, 2013, which was the date on which the Petition was filed. Counsel for Walgreens accepted service of the Petition on its behalf on October 14, 2013. Defendant files and presents this Notice of Removal within thirty (30) days after receipt by it, through service or otherwise, of a copy of the Petition, setting forth the claim for relief upon which such action or proceeding is based, as required by Title 28, U.S.C. § 1446, as amended.

4. Copies of all process, pleadings and orders served upon Walgreens in this action are attached hereto as Exhibit A.

Federal Question Jurisdiction

5. As grounds for removal, Defendant states that this Court has original jurisdiction over this matter insofar as it arises under the laws of the United States, in particular, Title VII of the CIVIL RIGHTS ACT OF 1964, 42 U.S.C. § 2000(e) *et seq.*, as amended, and 42 U.S.C. § 1981 *et seq.* Accordingly, Plaintiff’s Petition is properly removed to this Court. 28 U.S.C. § 1441(b).

This action, therefore, could have been filed originally in this Court pursuant to 28 U.S.C. § 1331, as this Court has federal question jurisdiction. It does not appear that there are any other claims stated; however, if Walgreens is mistaken, this Court has supplemental jurisdiction over the remaining claims pursuant to 28 U.S.C. § 1367.

Diversity Jurisdiction

6. As additional and alternative grounds for removal, Defendant states that the plaintiff represents in the Petition that he is a citizen of the State of Texas.

7. Walgreen Co. is an Illinois corporation with its principal place of business located in Deerfield, Illinois.

9. Although the Complaint does not specify a dollar figure for the claimed damages, in light of the Plaintiff's claim for "damages, including front pay, back pay, and compensatory damages," "exemplary damages," and his claim for attorneys' fees, it is unreasonable to contend that the amount in controversy in this action does not exceed \$75,000, exclusive of interest and costs. On information and belief, the matter in controversy between the plaintiff and the defendant exceeds the sum or value of Seventy-Five Thousand and No/100 Dollars (\$75,000.00), exclusive of interest and costs.

10. Nothing in this Notice of Removal shall be interpreted as a waiver or relinquishment of the defendant's right to assert any defense or affirmative matter, including, but not limited to, the defenses of: (1) lack of jurisdiction over the person; (2) improper venue; (3) insufficiency of process; (4) insufficiency of service of process; (5) improper joinder of claims and/or parties; (6) failure to state a claim; (7) the mandatory arbitrability of some or all of the putative claims; (8) failure to join an indispensable party(ies); or (9) any other pertinent defense available under FED. R. CIV. P. 12, any state or federal statute or otherwise. Defendant specifically files this notice subject to its answers and defenses to the Petition.

11. For the foregoing reasons, this court has jurisdiction of the subject matter pursuant to Title 28, U.S.C. §§ 1331 and 1332, as amended, and Title 28, U.S.C. § 1367.

12. Simultaneously with the filing of this Notice of Removal, Defendant has given the plaintiff, P.M. Beverly, written notice of the removal of this action and is filing a copy of this Notice of Removal with the District Court of Harris County, Texas, 133rd Judicial District.

WHEREFORE, Defendant Walgreens, Inc., hereby removes this action from the District Court of Harris County, Texas, 133rd Judicial District, to the United States District Court for the Southern District of Texas, Houston Division.

Respectfully submitted, this the 17th day of October, 2013.

Respectfully submitted,

By: /s/ Fred Gaona III

Fred Gaona III
Attorney-in-Charge
Texas Bar No. 24029562
S.D. ID No. 584837
Allyn Jaqua Lowell
Texas Bar No. 24064143
S.D. ID No. 989720

FORDHARRISON LLP
1601 Elm Street, Suite 4450
Dallas, Texas 75201
Telephone: (214) 256-4700
Facsimile (214) 256-4701

**COUNSEL FOR DEFENDANT
WALGREENS, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of October, 2013, I served ***Defendant Walgreens, Inc.'s Notice of Removal to U.S. District Court*** with the Clerk of Court using the CM/ECF system that will send notification of such filing to the following:

Woodrow Epperson
Law Office of Woodrow Epperson
10565 Katy Freeway, Suite 250
Houston, Texas 77024

/s/ Fred Gaona III

Fred Gaona III

LAW OFFICE OF
WOODROW EPPERSON
10565 KATY FREEWAY, SUITE 250
HOUSTON, TEXAS 77024
713 973-6303
Fax 713 973-1882
jepper1068@aol.com

WOODROW EPPERSON

Licensed in Texas
Florida and Pennsylvania

August 26, 2013

Chris Daniel
District Clerk
P. O. Box 4651
Houston, Texas 77210-4651

2013 - 51532

RE: Case no. _____, Beverly v. Walgreens, Inc., in the
Judicial District Court, Harris County, Texas

133

Dear Mr. Daniel:

Enclosed for filing is plaintiff's original petition. Please return a file stamped copy. Also enclosed is the civil cover sheet and my firm check for the filing fee.

Thank you for your attention to this matter.

Very truly yours,


Woodrow Epperson

Enclosures
cc: Client

FILED
CHRIS DANIEL
DISTRICT CLERK
HARRIS COUNTY, TEXAS
2013 SEP -3 AM 11:44
MAIL PROCESSING DEPT 2

EXHIBIT
A

Law Office of
WOODROW EPPERSON
10565 Katy Freeway, Suite 250
Houston, Texas 77024-4911

2013-51532

133th

FILED
Chitra Datt
Clerk
SEP 03 2013

Harris County Texas
Deputy



ISD

CIVIL CASE INFORMATION SHEET

2013 - 51532

CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

STYLED _____

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing. This sheet, approved by the Texas Judicial Council, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

| | | | | | |
|--|---|---|--|---|--|
| 1. Contact information for person completing case information sheet: | | Names of parties in case: | | Person or entity completing sheet is: | |
| Name: <u>Woodward Epperson</u> Address: <u>10565 Koby Rd, 250</u> City/State/Zip: <u>Heath, TX 77024</u> Signature: <u>Woodward Epperson</u> Email: <u>Scpper1088@aol.com</u> Telephone: <u>713 973-6303</u> Fax: <u>713 973-1882</u> State Bar No: <u>06637000</u> | | Plaintiff(s)/Petitioner(s): <u>P.M. Beverly</u> Defendant(s)/Respondent(s): <u>Walynes, L</u> | | <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: Additional Parties in Child Support Case: Custodial Parent: Non-Custodial Parent: Presumed Father: | |
| 2. Indicate case type, or identify the most important issue in the case (select only 1): | | | | | |
| Civil | | | Family Law | | |
| Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: <input type="checkbox"/> Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: | Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage: | Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: | Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: | Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Paternity/Parentage <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: | |
| Employment <input checked="" type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: | Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: | | | | |
| Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax: | Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: | | | | |
| 3. Indicate procedure or remedy, if applicable (may select more than 1): | | | | | |
| <input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action | | <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment | | <input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover | |

59

No. **2013-51532**

P. M. BEVERLY

IN THE DISTRICT COURT OF

v.

HARRIS COUNTY, TEXAS

WALGREENS, INC.

133th JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF THE COURT:

P. M. Beverly, plaintiff, files this original petition against Walgreens, Inc. and shows the following:

1. Discovery is intended to be conducted under Level 2 of Rule 190.1, Texas Rules of Civil Procedure.

2. This court has jurisdiction under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e) et seq., as amended, ("Title VII") to correct and remedy defendant's unlawful employment practices on the basis of race discrimination, and to make whole and compensate plaintiff. Jurisdiction in this case is also based on violation of the Civil Rights Act of 1991, 42 U.S.C. § 1981 et seq., as amended.

3. Venue is proper in Harris County, Texas because defendant does business in Harris County, Texas, and the events and/or omissions giving rise to the claims herein have occurred in Harris County, Texas.

4. Prior to filing this action, plaintiff filed a charge of discrimination and thereafter received a notice of right to sue. All administrative remedies have been exhausted, including the timely filing of charges of discrimination with the Texas Workforce Commission and the Equal Employment Opportunity Commission.

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging

FILED
CHRIS DANIEL
DISTRICT CLERK
HARRIS COUNTY, TEXAS
2013 SEP -3 AM 11:44
MAIL PROCESSING DEPT.

CONFIRMED FILE DATE: 9/3/2013

5. Plaintiff is an African-American male, residing in Harris County, Texas.

6. Defendant is a corporation authorized to do business and doing business in Texas with an office in Houston, Texas. At all times relevant hereto, defendant had in excess of five hundred employees and was plaintiff's employer.

7. On or about August, 2004, plaintiff was hired by defendant as its full time employee. At all times during his employment, plaintiff was a good, competent, dependable and loyal employee. Nevertheless, he was subjected to adverse employment action on account of his race as described below. Plaintiff's race was a determining reason for the action of defendant in terminating plaintiff.

8. At or prior to the time his employer terminated him, plaintiff became aware of a company-wide practice of discriminating against African-American employees and favoring employees outside his protected category with more desirable work assignments and working conditions. Due to defendant's pattern, practice, and policy of discrimination, plaintiff was subjected to unfair terms, conditions, and privileges of employment because of his race.

9. The unlawful employment practices engaged in by defendant and referred to above include, but are not limited to, the following:

- a. Plaintiff was excluded from job advancements, openings and promotions on the basis of his race, in violation of Title VII of the Civil Rights Act of 1964.
- b. Defendant tolerated an intimidating, hostile and

offensive working environment that unreasonably interfered with plaintiff's work performance and negatively affected his employment opportunities, in violation of the antidiscrimination provisions of Title VII of the Civil Rights Act, particularly those provisions proscribing discrimination on account of plaintiff's race.

10. Defendant violated 42 U.S.C. Sec 1981, by failing and refusing to accord him the same right to make and enjoy contracts as is enjoyed by white citizens.

11. The discrimination and retaliation caused plaintiff extreme emotional distress. The above described treatment by defendant resulted in feelings of wounded pride, shame, despair and utter devastation, all of which produced severe mental anguish in him.

12. Defendant intentionally commenced and carried out a course of conduct which was intended to and which did operate to discriminate against plaintiff on account of his race. Plaintiff's claim for race discrimination is based, without limitation, upon abusive and unconscionable working conditions by requiring plaintiff to perform his required work duties under a supervisor who practiced race discrimination against plaintiff and under the conditions described in this petition.

13. Defendant's termination of plaintiff was in violation of 42 U.S.C. Sec. 1981, and specifically that portion of the statute according him the same right in every State and Territory to make and enforce contracts, as is enjoyed by white citizens.

14. As a result of defendant's conduct, plaintiff has suffered damages, including mental anguish in the past, which is reasonably expected to extend into the future and damages for loss of earnings and earning capacity.

15. The wrong done by defendant was the kind typified by willfulness, wantonness, and malice for which the law allows the imposition of exemplary damages. Defendant's conduct was intentional or with conscious indifference to the rights of plaintiff and without justification or excuse. Plaintiff, therefore, seeks exemplary damages.

16. Plaintiff has been required to retain counsel to prosecute his claims and he seeks his reasonable attorney's fees in this matter.

PRAYER

Wherefore, plaintiff requests that defendant be summoned to appear and answer and that on final trial he have the following:

1. Judgment against defendant for damages, including front pay, back pay, and compensatory damages in an amount within the jurisdictional limits of the court.
2. An award of exemplary damages against defendant.
3. Attorney's fees in a reasonable amount, together with conditional awards in the event of appeal, together with costs of court.
4. Interest prior to judgment from date due to date of judgment at the maximum rate prescribed by law.

5. His costs in the matter expended.
6. Interest after judgment at the maximum lawful rate on all the above sums from date of judgment until paid.
7. Such other and further relief to which he may be justly entitled.

Plaintiff demands a trial by jury.

Respectfully submitted,

Law Office of Woodrow
Epperson



Woodrow Epperson
10565 Katy Freeway
Suite 250
Houston, Texas 77024
(713) 973-6303
FAX (713) 973-1882
State Bar No. 06637000

Attorney for
P. M. Beverly

HCDistrictclerk.com

BEVERLY, P M vs. WALGREENS INC

10/17/2013

Cause: 201351532

CDI: 7

Court: 133

APPEALS

No Appeals found.

COST STATMENTS

No Cost Statments found.

TRANSFERS

No Transfers found.

POST TRIAL WRITS

No Post Trial Writs found.

ABSTRACTS

No Abstracts found.

SETTINGS

No Settings found.

SERVICE

No Service found.

NOTICES

No Notices found.

SUMMARY**CASE DETAILS**

| | |
|-------------------------------|------------------------|
| File Date | 9/3/2013 |
| Case (Cause) Location | Civil Intake 1st Floor |
| Case (Cause) Status | Active - Civil |
| Case (Cause) Type | DISCRIMINATION |
| Next/Last Setting Date | N/A |
| Jury Fee Paid Date | N/A |

COURT DETAILS

| | |
|-------------------|---|
| Court | 133 rd |
| Address | 201 CAROLINE (Floor: 11) HOUSTON, TX 77002 Phone:7133686200 |
| JudgeName | Jaclanel McFarland |
| Court Type | Civil |

ACTIVE PARTIES

| Name | Type | Post Jdgm | Attorney |
|---------------|-------------------|-----------|-----------------------------|
| BEVERLY, P M | PLAINTIFF - CIVIL | | EPPERSON, WOODROW JR. |
| WALGREENS INC | DEFENDANT - CIVIL | | |

INACTIVE PARTIES

No inactive parties found.

JUDGMENT/EVENTS

| Date | Description | Order Signed | Post Jdgm | Pgs /Page | Volume Filing Attorney | Person Filing |
|----------|-------------------|-----------------|--------------|--------------|------------------------------|------------------|
| 9/3/2013 | ORIGINAL PETITION | | | 0 | EPPERSON, WOODROW JR. | BEVERLY, P M |

DOCUMENTS

| Number | Document | Post Jdgm | Date | Pgs |
|------------|-------------------------------------|--------------|------------|-----|
| 57149859 | Plaintiffs Original Petition | | 09/03/2013 | 5 |
| > 57149861 | Civil/Family Case Information Sheet | | 09/03/2013 | 1 |
| > 57149864 | Envelope | | 09/03/2013 | 1 |
| > 57149862 | Filing letter | | 09/03/2013 | 1 |
| 57265862 | Plaintiffs Original Petition | | 09/03/2013 | 5 |